

SENATE JOURNAL

SEVENTY-FIRST LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, June 20, 1989)

In obedience to the Proclamation of the Honorable William P. Clements, Jr., Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 20th day of June, 1989, at 2:00 p.m. and was called to order by the Honorable William P. Hobby, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

The President announced a quorum of the Senate present.

The Reverend Dr. John C. Gilbert, First United Methodist Church, Austin, offered the invocation as follows:

There is a power in the world that is greater than we, greater in every way: in wisdom, in discernment, in justice and in love. I identify that power by the name God, the God of Abraham and Isaac. Let us call upon God as you begin your special labors here on behalf of the people of the great State of Texas.

Let us pray.

Eternal Creator God, we thank You for the gifts You have poured out upon us: the gift of life to be lived in freedom; the gifts of understanding that we might be responsible within the freedoms given; the possibility of laws that our daily lives and our commerce might flourish and prosper from a dependable orderliness; and the possibility for each of us to develop hearts of compassion.

We ask, O God, during these days of special legislation, for Your gifts to be abundant to this Senate and upon these Senators that they might rightly discern the needs of all the citizens of this great State and establish laws that make life better for us all.

We offer this prayer in the name of the God of Abraham, Isaac, Jacob and Joseph, and I pray in the name of Jesus Christ, whom I claim as Lord. Amen.

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate.

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS
41-2240**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby call a special session of the 71st Legislature, to be convened in the City of Austin commencing at 2:00 p.m., Tuesday, the 20th day of June, 1989, for the following purpose:

(1) to consider legislation relating to the reform of the workers' compensation system.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 30th day of May, 1989.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

/s/Jack M. Rains
Jack M. Rains
Secretary of State

MOTION IN WRITING

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Harris, Leedom, Brown, Glasgow and Uribe.

MOTION IN WRITING

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate is organized and ready for business.

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President appointed the following Committee to Notify the House: Senators Santiesteban, Truan, Parker, Parmer and Henderson.

SENATE CONCURRENT RESOLUTION 1

Senator Barrientos offered the following resolution:

WHEREAS, The Reverend Dr. John Carlton Gilbert was born in Rotan, Texas, and he attended John Tarleton College of Stephenville and The University

of Texas at Austin and was graduated from Texas Wesleyan College of Fort Worth and the Perkins School of Theology at Southern Methodist University in Dallas; and

WHEREAS, Dr. Gilbert has completed ministerial appointments at churches in several cities in Texas, those being Trinity United Methodist Church of Brady, Shiner United Methodist Church, Grace United Methodist Church of Austin, Lockhart United Methodist Church, Edinburg United Methodist Church, First United Methodist Church of Harlingen, and First United Methodist Church of Corpus Christi; and

WHEREAS, Dr. Gilbert has served in the administrative position of district superintendent for the McAllen district and for the Victoria district, both in the Southwest Texas Conference of the United Methodist Church; and

WHEREAS, Earlier this month, Dr. Gilbert began his service as senior pastor for the First United Methodist Church of Austin, a historic church founded 149 years ago by the Reverend John Haynie, chaplain of the House of Representatives of the Congress of the Republic of Texas when it first convened in Austin; and

WHEREAS, As a close neighbor of the Capitol, the First United Methodist Church of Austin has enjoyed over the years an association of fellowship and goodwill with numerous elected officials of state government, including a role in the inauguration of the present governor and lieutenant governor; and

WHEREAS, Dr. Gilbert delivers the invocation to the Texas Senate on Tuesday, June 20, and to the Texas House of Representatives on Wednesday, June 21; and

WHEREAS, The occasion of these invocations to those members convening for the 1st Called Session of the 71st Legislature is an appropriate opportunity to honor this distinguished clergyman; now, therefore, be it

RESOLVED, That the 71st Legislature, 1st Called Session, of the State of Texas hereby recognize the Reverend Dr. John C. Gilbert for his many years of outstanding service to his church and extend to him best wishes for a rewarding tenure as senior pastor of our esteemed Capitol neighbors, the congregation of the First United Methodist Church of Austin; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Dr. Gilbert as an expression of high regard and greetings from the Senate and House of Representatives of the State of Texas.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

SENATE RESOLUTION 1 (Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 21 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The following officers were elected to serve for the 71st Legislature, 1st Called Session, at the will of the Senate:

Secretary of the Senate - Betty King

Sergeant-at-Arms - Carleton Turner

Doorkeeper - James Morris

Calendar Clerk - Kay Hughes

Enrolling Clerk - Patsy Spaw

Journal Clerk - Margrette Vollers

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 71st Legislature, 1st Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Steve Dial, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters, and other employees as may be necessary. The Lieutenant Governor is authorized to designate any member of the Senate or Senate staff to attend official meetings of national governmental organizations during the 71st Legislature, 1st Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted a maximum payroll of \$15,500.00 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1989, will not be carried forward after January 1, 1990. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination.

The Lieutenant Governor, Senators, and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 71st Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the

Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time employed by the Senate, furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and the employee shall not without permission receive any compensation from any person, firm, or corporation during employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 a.m. and 1:00 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except one whose official duties require the employee to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which the employee shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes and 30 minutes after the Senate adjourns. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute periods.

Respectfully submitted,

/s/Chet Brooks
Chairman of the Caucus

/s/Carlos F. Truan
Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Truan was recognized and presented Dr. Bruce Hekstra of Corpus Christi.

Dr. Hekstra, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 5

Senator Sims offered the following resolution:

WHEREAS, For the second session in a row the birthday of a Senator coincides with the opening of a special session; and

WHEREAS, The 42nd birthday is often considered by experts as one of the Ten Worst celebrations; and

WHEREAS, Having a resolution read in your honor on the Senate floor is considered one of the Ten Best things that can happen on a person's birthday; and

WHEREAS, Having to work on your birthday is considered one of the Ten Worst things that you are forced to do on your birthday; and

WHEREAS, Enjoying that birthday celebration with family, good friends, and outstanding and honorable colleagues is one of the Ten Best ways to celebrate your birthday; and

WHEREAS, Birthdays and the Texas Legislature are very much alike, filled with both the Best and the Worst of life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, 1st Called Session, do hereby congratulate and extend warmest birthday greetings to State Senator Ken Armbrister on the occasion of his 42nd birthday; and, be it further

RESOLVED, That the Senate of Texas and, most especially that staff of Senator Ken Armbrister, do hereby hope that the Good Senator from Victoria enjoy many more birthday greetings from the Senate and the State of Texas.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sims and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate, and Representative Gavin for the Committee notified the President and Members of the Senate that the House was organized and ready to transact business.

MESSAGE FROM THE HOUSE

House Chamber
June 20, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 4, Granting the House and Senate permission to adjourn for more than three days.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.R. 4 by Sims

Administration
Approving the creation and maintenance on the grounds of the State Capitol of a permanent flower bed depicting through appropriate design and flower selection the Texas flag.

S.B. 2 by Edwards Economic Development
Relating to the regulation of accident and health and medicare supplement insurance.

S.B. 3 by Leedom State Affairs
Relating to the creation of the State Trust Fund Investment Review Council and the review of investment of certain state funds.

S.B. 4 by Leedom State Affairs
Relating to printing and graphic arts evaluations by the State Purchasing and General Services Commission and to enforcement of a penalty.

S.B. 5 by Leedom Education
Relating to certain requirements that must be met by a person to be eligible to enroll at a public institution of higher education and to receive certain financial assistance.

S.B. 6 by Leedom Criminal Justice
Relating to the carrying of weapons by members of the state military forces.

S.B. 7 by Leedom Criminal Justice
Relating to the punishment for burglary of coin-operated or coin collection devices.

S.B. 8 by Leedom State Affairs
Relating to the review of efficiency in state government and changes to a competitive cost review program.

S.B. 9 by Uribe Health and Human Services
Relating to indoor air quality; providing a civil penalty.

S.B. 10 by Washington Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, financing, and dissolution of the Houston Downtown Management District and the power of certain entities to contract with the district.

S.B. 11 by Sims Intergovernmental Relations
Relating to the acquisition of land and facilities by a municipality for lease to public entities for public purposes or to private entities for manufacturing or commercial purposes; authorizing the issuance of municipal bonds.

S.B. 12 by Brown, Armbrister, Criminal Justice
Bivins, Zaffrini
Relating to the offense of and penalty for murder of an individual 14 years of age or younger.

S.B. 13 by Brooks State Affairs
Relating to the payment of workers' compensation benefits to an employee of a political subdivision.

S.B. 14 by Brooks State Affairs
Relating to the payment of workers' compensation benefits to employees of political subdivisions.

S.B. 15 by Green, McFarland Finance
Relating to authorizing a religious organization to file a late application for an exemption from ad valorem taxation.

HOUSE CONCURRENT RESOLUTION 4

Senator Brooks offered the following resolution:

H.C.R. 4, Granting the House and Senate permission to adjourn for more than three days.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

**ELECTION OF PRESIDENT PRO TEMPORE
FIRST CALLED SESSION, SEVENTY-FIRST LEGISLATURE**

The President announced that the next order of business was the election of the President Pro Tempore, 1st Called Session, Seventy-first Legislature.

Upon the nomination of Senator Brooks and by acclamation, Senator James E. (Buster) Brown was elected President Pro Tempore for the 1st Called Session, Seventy-first Legislature.

The President appointed the following committee to escort Senator Brown to the President's Rostrum: Senators Caperton, Bivins, Krier, Ratliff and Washington.

The President declared Senator Brown elected to the office of President Pro Tempore and administered the oath of office to him.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and Senator Harris for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The President discharged the Committee.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House of Representatives that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and Senator Santiesteban for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The President discharged the Committee.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider **S.R. 4** on adjournment today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider **S.B. 1** upon referral tomorrow.

CONGRATULATORY RESOLUTIONS

S.R. 2 - By Armbrister: Extending congratulations to Mr. and Mrs. Jack Andrews of Abilene on their 50th wedding anniversary.

S.R. 3 - By Carriker: Extending congratulations to Munday Mogulettes on winning the Class A state track title.

RECESS

On motion of Senator Brooks, the Senate at 2:26 p.m. took recess until 9:00 a.m. tomorrow.